

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JUDY GATHER,

Plaintiff,

-against-

NEW YORK STATE DIVISION OF MILITARY,
AND NAVAL AFFAIRS

Defendant.
-----X

09 Civ. 979 (RJH)(HBP)

ORDER

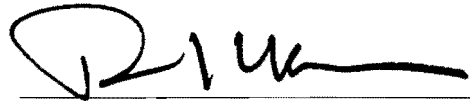
On April 6, 2011, Magistrate Judge Henry Pitman issued a Report and Recommendation (“Report”) recommending that the Court dismiss plaintiff’s complaint for failure to prosecute. Judge Pitman laid out in detail plaintiff’s repeated refusal to comply with Judge Pitman’s orders and failure to participate in litigation. To date, plaintiff has not filed an objection to the report, further highlighting her lack of interest in pursuing her case. The district court adopts a Magistrate Judge’s report and recommendation when no clear error appears on the face of the record. *See Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). However, the court is required to make a *de novo* determination of those portions of a report to which specific objection is made, 28 U.S.C. § 636(b)(1)(C), by reviewing “the Report, the record, applicable legal authorities, along with Plaintiff’s and Defendant’s objections and replies.” *Badhan v. Lab. Corp. of Am.*, 234 F. Supp. 2d 313, 316 (S.D.N.Y. 2002). The court may then accept, reject, or modify in whole or in part recommendations of the Magistrate Judge. *See Nelson*, 618 F. Supp. at 1189. “[W]hen a party makes only conclusory or general

objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.” *Walker v. Vaughan*, 216 F. Supp. 2d 290, 292 (S.D.N.Y. 2002).

Because plaintiff has not filed objections to the Report, the Court reviews the report for clear error. Seeing none, the Court adopts the Report in its entirety. Plaintiff’s complaint is therefore dismissed with prejudice for failure to prosecute.

SO ORDERED.

Dated: New York, New York
May 17, 2011

A handwritten signature in black ink, appearing to read 'R. J. Holwell', is written over a horizontal line.

Richard J. Holwell
United States District Judge